

REMARKS

A. Claims 15-17, 20, and 23-33 Are Definite

Claims 15-17, 20, and 23-33 stand rejected under 35 U.S.C. § 112, Second Paragraph.

1. Claim 15

The Office states that independent claim 15, from which 16-17, 20, and 23-30 depend, is indefinite because it “call[s] for a method and [does] not specifically recit[e] what the method is[, i.e.,] a preamble needs to be inserted after ‘method’ in line 1 so that it can ascertained exactly what the method is intended to cover.” Action at 2. Applicants respectfully traverse.

The claimed method covers the recited steps; if those steps are performed, the claimed method is met. There is no legal requirement that Applicants use a more descriptive or word-intensive preamble in order to satisfy section 112 because the body of the claims sets forth all of its limitations. *See* MPEP 2111.02. Moreover, there is no evidence that one of ordinary skill in the art would have any trouble understanding what Applicants have claimed when claim 15 is read in light of the specification. Withdrawal of the rejection is respectfully requested.

2. Claim 31

The Office states that independent claim 31, from which claims 32 and 33 depend, is indefinite for not setting forth that an instrument had been placed in the cavity. Applicants have amended claim 31 to recite “puncturing the sealing material and the closure material with an instrument near the bottom.” Accordingly, the indefiniteness rejection is overcome, and withdrawal of the rejection is respectfully requested.

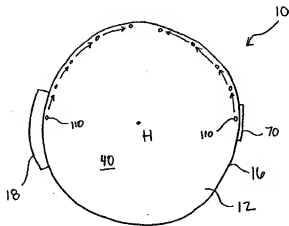
B. Claims 15-17, 20, 23, and 26-30 Are Patentable over the Asserted Combination

Claims 15-17, 20, 23, and 26-30 stand rejected as being obvious over JP 10-146846 in view of US 6,416,689 (Keita) or US 5,662,839 (Magne), and further in view of US 4,440,918 (Rice). Applicants respectfully traverse.

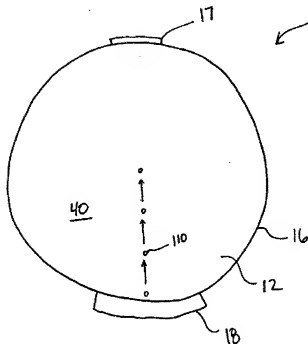
The Office has admitted that the Japanese reference, Keita, and Magne do not teach or suggest the claimed rotating. The Office relies on Rice for the claimed rotating, and has asserted that the “exact amount of rotation – i.e., 90 or 180 degrees – would have been within the skill level of the art.” Applicants respectfully disagree.

Claim 15 has been amended to recite “rotating the portion of the mold approximately 90 degrees about a horizontal axis passing through the portion of the mold.” Claim 31 has been amended to recite “rotating the molding cavity approximately 90 degrees about a horizontal axis passing through the molding cavity.” As described in the present application: “Thus, ‘approximately 90 degrees’ includes any angle from 81 to 99 degrees, including 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, and 99 degrees, as well as any derivative of any angle between 81 and 99 degrees.” Page 9, lines 26-28.

The present application describes the purpose of its rotation as reducing or eliminating the possibility that any microbubbles migrate to the central portion of the lens. Page 10, lines 1-6. By “rotating mold 10 in this fashion, any bubbles 110, which may be microbubbles . . . will migrate along the outermost edge . . . and up to the new top of mold 10, as shown by the arrows. In this way, bubbles . . . will remain at the edges of the resulting lens, and will not foul the . . . central portion of the lens.” Page 10, lines 6-13. Figure 3 illustrates the effect of the 90-degree rotation:



The present application also describes the problem this rotation seeks to avoid. By contrast [without rotation] . . . the bubble 110 that forms. . . could migrate to or near the center of the lens as it is curing or being polymerized and remain there once the lens is cured, thereby rendering the cured lens useless." Page 10, lines 14-18. Figure 4 illustrates the problem:



In contrast to the present application, Rice mentions rotating only briefly in discussing its examples. Rice does not explain any purpose for its rotation. In context, however, it appears Rice rotated the mold 180 degrees to ensure complete irradiation (and polymerization):

After loading the lens mold, it was removed from the glove bag, suspended in a vertical position and subjected to radiation from a RS sunlamp positioned 18 cm away. After five minutes the lens mold was rotated 180° and irradiation continued for an additional 55 minutes.

Col. 11, lines 35-40. Rice's mention of rotation is strictly limited to rotation of 180 degrees, after 5 minutes of irradiation. This five-minute delay is likely enough to permit bubbles to migrate to the center of the lens, as illustrated above in Figure 4 of the present application. Further, rotating the mold 180 degrees, as stated in Rice, would not achieve the result of the claimed approximately 90-degree rotation, as is illustrated in Figure 3 of the present application.

Specifically, rotating the lens 180 degrees would shift the initial top of the mold to the bottom, thereby causing any bubbles forming at the initial top of the mold to migrate to the center, and preventing any bubbles from traveling around the perimeter of the mold.

Rice fails to teach or suggest the rotation of approximately 90 degrees, as recited in independent claim 15, from which claims 16-17, 20, 23, and 26-30, and independent claim 31, from which claims 32 and 33 depend. The 180 degree rotation disclosed in Rice would not achieve the result achieved by the claimed 90-degree rotation. Further, nothing in Rice or the other cited references would suggest to one of ordinary skill in the art that a mold should be rotated approximately 90 degrees. The proposed combination of references therefore defies the common-sense approach to obviousness taught by *KSR*. Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 15-17, 20, 23, and 26-33.

C. Claims 24 and 25 Are Patentable over the Asserted Combination

Claims 24 and 25 stand rejected as being obvious over JP 10-146846 in view of either Keita or Magne, and Rice, and further in view of US 2004/0021238 (Reed). These claims depend from claim 15, which is patentable over the Japanese reference, Keita or Magne, and Rice for the reasons provided above. Reed fails to cure their deficiency. Accordingly, claims 24 and 25 are patentable over the asserted combination for at least the same reasons, and Applicants therefore respectfully request withdrawal of the rejection.

E. Conclusion

The pending claims are in condition for allowance. The Examiner is invited to contact Applicants' representative at the number below with any questions or suggestions.

Respectfully submitted,

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